

Martin Schleske SERIAL NO: 09/935,975

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B.) Remarks

In response to the Official letter dated August 13, 2003, applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection of claims 6-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-24 of copending application Serial No. 09/935,973 in view of Sawada et al (Sawada), Janes et al (Janes), and Decker Jr. et al (Decker).

The purpose of the nonstatutory double patenting rejection policy is, as was stated by the examiner, to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. Claim 6 of this application is the only independent claim. Accordingly, all claims in this application require the soundboard to include a low density core plate, and a fibre laminate overlying and adhered at least to one face of the soundboard, such fibre laminate having elongate fibres embedded in a carrier, and the core having at least one recess wholly within the confines of the core plate. Further, claim 6 requires the total volume of all recesses in said core plate to amount to not more than about 80% of the total volume of the core plate.

Not one of claims 11-24 of the specified copending application recites a low density core, or at least one recess wholly within the confines of the core plate, much less that the total volume of all recesses amounts to not more than

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about 80% of the total volume. Accordingly, neither group of claims 6-15 and 11-24 can be read on each other. The examiner recognizes this deficiency, but seeks to overcome it by relying upon the disclosures of Sawada, Janes, and Decker. The core of the Sawada or Janes constructions is not formed from a low density material. Further, neither Sawada nor Janes discloses at least one recess. Decker criticizes low density core material in column 3, lines 8-11 and accordingly, provides a core formed of high density material. Low density material for the core is a significant feature of applicant's construction. Balsa wood, a well-known low density material is specifically referred to on page 2, line 10 of the original specification.

The significance of the foregoing brief analysis of the disclosures of the references is that, even if the constructions as recited in claims 11-24 of the copending application were modified in view of the disclosures of these references, there still would be no construction on which claims 6-15 of the present application can be read. This being the case, there can be no improper timewise extension of the "right to exclude" granted by the issuance of claims 6-15 or claims 11-24. Accordingly, it is respectfully submitted that the double patenting ground of rejection should be reconsidered and withdrawn. Such action is requested.

Applicant respectfully traverses the rejection of claims 6-15 as being unpatentable over Sawada in view of Janes and Decker. Sawada discloses two different embodiments of soundboards. One embodiment is shown in Figures 1-4 and the

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other is shown in Figures 5-7. The examiner acknowledges that Sawada does not disclose the presence of recesses. In applicant's view the same observation applies also to Decker.

The examiner takes the view that Janes does disclose a recess and that such recess amounts at most to 80% of the volume of the core plate. In applicant's view Janes discloses a through hole at one face of the guitar corpus. A recess is not a through hole; it is a depression which does not extend completely through the structural member in which it is formed. The opening shown in Janes is the soundhole which enables sound waves to pass out of the interior of the guitar corpus. To characterize the soundhole of Janes as a recess is a misuse of such term.

(Claim 9 specifies that the recess extends through the entire thickness of the core plate. The core, however, does not consist solely of the plate; it also includes the fibre laminate as specified in claim 6.)

According to the disclosure of Sawada the core 4 must have a definite and high shearing elastic modulus (greater than that of the fore and rear plate.) The purpose of this is to obtain a homogeneous (uniform) construction of the core. A core which is homogenous is incompatible with a core having one or more recesses therein, particularly recesses having a volume up to 80% of the total volume of the core. In view of the specified disclosures in Sawada, it is inconceivable that one of ordinary skill in the art would provide Sawada's core with a recess, much less one or more recesses having a volume up to 80% of that of the core.

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With further reference to the core density, the disclosure in Decker clearly is that of a high density core. See column 3, lines 29-33, lines 55-63, and column 4, lines 42-47.

To summarize to some extent the foregoing, the core of the Sawada construction is formed of a material whose shearing elastic modulus is such that the core cannot be a low density core. Further, the Sawada core 4 is not provided with a recess.

Janes discloses a soundhole (not a recess), through the soundboard of a guitar body, and such soundhole must be open on both sides in order for sound waves to travel from the inside to the outside of the guitar corpus. The modification shown in Figure 7 of Janes is a soundboard molded with stiffening ribs 26 which are not recesses and have no acoustic function.

Decker discloses a soundboard made up of woven polymer fabric in a layer of unidirectional graphite fibres followed by a layer of decorative fabric, all being embedded in a resin matrix. There is no disclosure or suggestion in Decker of a low density core or of recesses in such core.

In view of the shortcomings of the teachings of the references (insofar as they relate to applicant's claims 6-15) it is believed to be clear that none of the Sawada, Janes, and Decker patents contains a disclosure which would motivate anyone of ordinary skill in the art to arrive at a construction like that set forth in claims 6-15. Further, it is respectfully submitted that, if the teachings of Janes and

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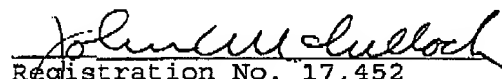
Decker somehow were to be incorporated in the disclosure of Sawada, the resulting construction would not correspond or be equivalent to that set forth in claims 6-15 for the simple reason that following the teachings of the secondary and tertiary references would not result in a modification of Sawada which would have the characteristics, either structural or functional, of the construction set forth in claims 6-15. Accordingly, it is respectfully submitted that the claims are allowable.

It is believed this application now is in condition for allowance. Further and favorable action is requested.

The Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 50-2676.

Respectfully submitted,

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By his attorney,

  
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